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**VIA ELECTRONIC FILING**

**March 28, 2024**

The Honorable Gabriel W. Gorenstein  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: Order of the court dated March 27, 2024  
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162**

Dear Judge Gorenstein,

This letter is written as required by the Order of the Court dated March 27, 2024, in which we were to submit a letter to the court to explain why the relief requested should not be granted on default and why some additional sanction should not issue against the attorneys or defendant Victor.

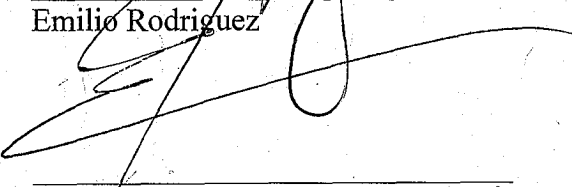
The reason why neither the relief requested should be granted on default, nor some additional sanction be issued, is that the letter required by the Order of the Court dated March 21, 2024, in which we were to answer certain questions raised by both the plaintiff and the Court on or before March 25, 2024, was timely served upon the plaintiff on March 25, 2024. Attached as an exhibit is the email showing the letter was emailed to the plaintiff, with attachments, on March 25, 2024. Your Honor's Order of March 21, 2024, clearly stated: "The letter from defendant's attorneys shall be served on plaintiff on or before March 25, 2024." There is already an established precedent in this case of a required letter to be served on the plaintiff, and not filed with the court, namely, the letter served every Friday on the plaintiff during discovery. That

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being the case, and because of the explicit instruction contained in Your Honor's Order dated March 21, 2024, we did not file it with the court. We are enclosing it now as an exhibit.

Therefore, for the above stated reasons, we make this request to deny the grant of the relief requested by plaintiff on default, and the denial of the imposition of any sanction upon the defendant or his attorneys.

Yours faithfully  
**Polizzotto & Polizzotto, LLC**

  
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Emilio Rodriguez  
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Alfred Polizzotto III